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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/665,782 | 09/19/2003 | Sailesh Rachabathuni | US000218A | 4648 |

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INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

NGUYEN, DUC M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2685

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,782

Applicant(s)

RACHABATHUNI ET AL.

Examiner

Duc M. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

This action is in response to applicant's response filed on 9/19/03. Claims 13-34 are now pending in the present application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims **13-14, 17-18, 20, 23-24, 27-30** are rejected under 35 U.S.C. 102(e) as being anticipated by **Rouhollahzadeh et al (US 6,208,866)**.

Regarding claims **13, 27**, **Rouhollahzadeh** discloses a wireless system comprising:

a plurality of wireless devices capable of roaming through said wireless system (see Figs. 1-2 and col. 1, lines 25-47);

a location identification server that registers locations and user identities of users said wireless devices (see Fig. 2 and col. 4, lines 14-25),

a plurality of wireless stations of limited wireless coverage within said system, said wireless stations being coupled to said location identification server (see Fig. 2 and col. 4, lines 14-25)

said location identification server registering a location of a wireless device in said system when said wireless device enters into a coverage area of a wireless station in said system(see Fig. 2 and col. 4, lines 14-25),

said system running a user location awareness application, said user location awareness application using said registered locations and user identities of said wireless devices (see col. 5, lines 30-52).

Regarding claim **14, 28**, the claim is rejected for the same reason as set forth in claim 13 above. In addition, **Rouhollahzadeh** discloses said registered locations include current and historical locations of said users (see col. 4, lines 23-25 regarding logging position information).

Regarding claim **17-18, 29**, the claim is rejected for the same reason as set forth in claim 13 above. In addition, it is clear that **Rouhollahzadeh** would disclose proximity of a user to a wireless station and generate an alert message (SMS) as claimed (see col. 5, lines 30-52).

Regarding claim **20**, the claim is rejected for the same reason as set forth in claim 18 above, wherein the alert message generation would read on "modify a system function" as claimed.

Regarding claim **23-24, 30**, the claim is rejected for the same reason as set forth in claim 13 above. In addition, **Rouhollahzadeh** discloses filtering location registration at the side of the location server as claimed (see col. 5, lines 53-64).

3. Claims **13, 17-20, 26-27, 29, 31, 33** are rejected under 35 U.S.C. 102(a) as being anticipated by **Degnbol** (PCT Pub. Number **WO 00/22860**).

Regarding claim **13**, **Degnbol** discloses a wireless system comprising:

a plurality of wireless devices capable of roaming through said wireless system (see Fig. 1 and page 20, lines 23-32);

a location identification server that registers locations and user identities of users said wireless devices (see Fig. 2 and page 22, lines 10-15), wherein it is clear that a location identification server and a location register are inherent components of the wireless system;

a plurality of wireless stations of limited wireless coverage within said system, said wireless stations being coupled to said location identification server (see Fig. 1 and page 20, lines 23-32)

said location identification server registering a location of a wireless device in said system when said wireless device enters into a coverage area of a wireless station in said system(see Fig. 2 and page 22, lines 10-15),

said system running a user location awareness application, said user location awareness application using said registered locations and user identities of said wireless devices (see page 20, line 34 – page 21, line 6).

Regarding claims **17-19**, the claims are rejected for the same reason as set forth in claim 13 above. In addition, it is clear that **Degnbol** would disclose the proximity of a user to a wireless station and generate an alert message as claimed (see page 10, lines 17-20 and page 20, line 34 – page 21, line 6).

Regarding claim **20**, the claim is rejected for the same reason as set forth in claim 18 above, wherein the alert message generation would read on “modify a system function” as claimed.

Regarding claim **26**, the claims are rejected for the same reason as set forth in claim 13 above. In addition, it is clear that **Degnbol** would disclose the wireless station are located at fixed geographical locations.

Regarding claims **27, 31**, the claims are rejected for the same reason as set forth in claim 13 above.

Regarding claims **29, 33**, the claims are rejected for the same reason as set forth in claim 17 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim **25** is rejected under 35 U.S.C. 103(a) as being unpatentable by **Rouhollahzadeh**.

Regarding claim **25**, the claim is rejected for the same reason as set forth in claim 13 above. In addition, since using a constraint for a wireless device to transmit a location report based on time or distance constraints is known in the art, for saving signaling bandwidth and resources in situations where the changes in the positions of the wireless device is relatively small (Official Notice), it would have been obvious to one skilled in the art at the time the invention was made to modify **Rouhollahzadeh** for filtering location at the side of a wireless device as claimed (i.e, transmit a location report only if a predetermined time has passed or a predetermined distance of changes has passed), for saving signaling bandwidth and resources.

6. Claims **15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Rouhollahzadeh** in view of **Owensby** (US Patent Number **6,647,257**).

Regarding claims **15-16**, the claims are rejected for the same reason as set forth in claim 13 above. In addition, since predicting user movements at a later time for activating a target message for advertisement is known as disclosed by **Owensby** (see col. 5, lines 50-67), it would have been obvious to one skilled in the art at the time the invention was made to further incorporate **Owensby's** teaching to **Rouhollahzadeh** for predicting future user movements as claimed, for improving the effective of advertisement messages.

7. Claim **21** is rejected under 35 U.S.C. 103(a) as being unpatentable by **Degnbol** in view of **Shapira** (US Patent Number **5,086,394**).

Regarding claim **21**, the claim is rejected for the same reason as set forth in claim 18 above. However, **Degnbol** fails to disclose a wireless station for matching user profiles within the coverage area of said matching wireless station. However, **Shapira** discloses a wireless station for matching user profiles within the coverage area of said matching station (see Fig. 1 and col. 7, lines 28-45). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the above teaching **Shapira** to **Degnbol** for incorporating a matching wireless station that matches only user profiles within the coverage area of said matching station, thereby providing a modify system that includes a set up user profiles into profiles of other users as claimed, for reducing the computation load of a centralized matchmaker by decentralizing the matchmaker task to localized stations.

8. Claims **32, 34** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Degnbol**.

Regarding claim **32**, the claim is rejected for the same reason as set forth in claim 18 above. In addition, since **Degnbol** discloses a database for logging historical information for system management and billing, it would have been obvious to one skilled in the art at the time the invention was made to store historical locations as well, for admistration purposes (i.e, in case there are disputes on billing).

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Regarding claim **34**, the claim is rejected for the same reason as set forth in claim 18 above. In addition, since using a constraint for a wireless device to transmit a location report based on time or distance constraints is known in the art, for saving signaling bandwidth and resources in situations where the changes in the positions of the wireless device is relatively small (Official Notice), it would have been obvious to one skilled in the art at the time the invention was made to modify **Rouhollahzadeh** for filtering location registration as claimed (i.e, transmit a location report only if a predetermined time has passed or a predetermined distance of changes has passed), for saving signaling bandwidth and resources.

Allowable Subject Matter

9. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka et al (US 6,542,749, Method and system for connecting proximately located mobile users based on compatible attributes.

Davies et al (US 6,664,891), Data delivery through portable devices.

Drutman et al (US 6,618,593), Location dependent user matching.

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11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for formal communications intended for entry)

(571)-273-7893 (for informal or draft communications).

Hand-delivered responses should be brought to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Edward Urban (Supervisor) whose telephone number is (571) 272-7899.

Duc M. Nguyen

Aug 18, 2005

